

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

May 20, 2003

LB 17

time, because there are any number of bills in the committee amendment and I want to make certain that there's enough time to explain them all. LB 17 was introduced on behalf of the Department of Health and Human Services. The bill creates the offense of sexual abuse of a protected individual. Nebraska presently criminalizes the act of subjecting an inmate or parolee to sexual abuse. No corresponding law exists for protected individuals under the care of the Health and Human Service System. LB 17 establishes the crime of sexual abuse of a protected individual. Subjecting a protected individual to sexual penetration is classified as a Class III felony under the bill. A Class III felony is punishable by 1 to 20 years incarceration, up to a \$25,000 fine, or both. Subjecting a protected individual to sexual contact is classified as a Class IV felony, punishable by up to five years incarceration and a \$10,000 fine, or both. It shall not be a defense under the provisions of LB 17 that the protected individual consented to the sexual contact or penetration. A protected individual is defined as any individual in the custody or care of the Department of Health and Human Services. Protected individuals include, among others, juveniles placed at the Youth Rehabilitation and Treatment Center, children who are state wards, parolees under the Office of Juvenile Services, mental health patients, those at regional centers, and veterans' home residents. Under the bill, "person" is defined as any individual employed by the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, or the Department of Health and Human Services Finance and Support, including any individual to whom one of the departments has authorized or delegated control over a protected individual. That summarizes the provisions of LB 17. I would like very specifically to note that the legislation we're talking about here and now is made possible in terms of its placement by prioritization of LB 17 by Senator Engel, and the Judiciary Committee is appreciative of that prioritization. I am going to continue, with your leave, the explanation of the committee amendment because of the number of bills contained therein. Each of these bills was advanced by your Judiciary Committee, and a committee statement, pursuant to the Stuhr doctrine, a committee statement is available for the review of each and every one of these bills. First, at Sections 3 and 4,